HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 36166 of 1998

Date: 05.12.2007

Between:

Gera Basava Raj & another

… Petitioners

and

The Andhra Pradesh State Road Transport Corporation,
Guntur Region,
Rep. by its Regional Manager, Guntur.

… Respondent

O R D E R:

The two petitioners are essentially complaining against the action of the respondent-Andhra Pradesh State Road Transport Corporation (henceforth referred to as 'the Corporation') in not selecting them for appointment as drivers of heavy vehicles at which recruitment process they staked their claims for consideration based upon the judgment rendered by this Court in Writ Petition No. 11704 of 1998 which was instituted by them previously.

The case of the writ petitioners is that both of them belong to Scheduled Caste category, that they are residents of Guntur District and, therefore, their cases are liable to be considered for recruitment as drivers of heavy vehicles notwithstanding the fact that they do not have the physical standard of 163 cms. of height. The writ petitioners contend that the Corporation, with a view to fill up the backlog vacancies of drivers of the Scheduled Tribe category, has taken out a notification dated 23.10.1998 inviting applications from such candidates who are not less than 157.5 cms. in height. Therefore, according to the petitioners, the Corporation should also extend similar treatment even while filling up the backlog vacancies of Scheduled Caste category candidates.

The Corporation had filed its counter contending that it has taken out the recruitment process for drivers duly notifying that the candidates should possess 163 cms. of height, but, however, some of the posts reserved for Scheduled Caste and Scheduled Tribe category candidates could not be filled in for want of suitable and adequate number of such category candidates. The Corporation has admitted that the recruitment process for filling up the backlog vacancies from both Scheduled Caste and Scheduled Tribe category candidates is

taken up and that no backlog vacancy to be filled in by Scheduled Caste category candidates has been left unfilled, for, the Corporation had received good response from Scheduled Caste category candidates possessing the adequate physical standards. Therefore, there is no necessity for the Corporation to relax the standards of physical fitness and requirements in that regard. All the vacancies which are meant to be filled in by Scheduled Caste category candidates have been filled in. Insofar as the backlog vacancies which are carried forward for want of adequate number of Scheduled Tribe candidates are concerned, the same were also notified for being filled in in October 1998 and they were also filled in. It is, therefore, contended by the Corporation that the standards of physical fitness prescribed for Scheduled Tribe category candidates should not have offered a platform for comparison of the cases of Scheduled Caste category candidates at all. This apart, when there are adequate number of candidates available for selection belonging to the Scheduled Caste category and also possessing the requisite physical standards, there was no occasion for the Corporation to consider the Scheduled Caste category candidates who do not possess the requisite physical standards. At any rate, the relaxed standards prescribed for considering the candidature of Scheduled Tribe category candidates is peculiar to and specific to the said category candidates alone. Perhaps the Corporation would have taken notice of the fact that among the Scheduled Tribes, some of those communities being primitive, the candidates possessing the requisite physical standards may not be available in adequate numbers and, therefore, far more relaxed standards may have been adopted for filling in the backlog vacancies of Scheduled Tribe category candidates. By that, the Scheduled Caste category candidates cannot

compel the Corporation to invariably apply relaxed standards of physical fitness and select the candidates who do not measure up to the requisite standards prescribed by the Corporation.

I do not see any infirmity in the selection process undertaken by the respondents.

The writ petition is, therefore, dismissed. However, in the circumstances, there shall be no order as to costs.

(NOOTY RAMAMOHANA RAO, J)

December 05, 2007
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